

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JOHNNY SAMUEL,)	
)	
Plaintiff,)	
)	
vs.)	2:09-CV-2109-VEH
)	
UNITED STATES OF AMERICA,)	
et., al.,)	
)	
Defendants.)	

MEMORANDUM OPINION

This case comes before the court on the renewed motion to dismiss, or in the alternative for summary judgment, filed by the United States. (Doc. 67.) Also before the court is the plaintiff's motion to strike the expert report of Dr. Young, the defendant's expert. (Doc. 69.) On June 10, 2011, the magistrate recommended that the motion to strike the report be granted. (Doc. 95.) The magistrate also recommended that the motion for summary judgment be denied. *Id.*

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the objections thereto, and the responses to the objections, the Court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and his recommendation is **ACCEPTED**. An appropriate order will be entered.

DONE this the 27th day of June, 2011.

A handwritten signature in cursive script, appearing to read "V. Emerson Hopkins", is positioned above a horizontal line.

VIRGINIA EMERSON HOPKINS

United States District Judge